

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

BRAD RATKOVICH,

Plaintiff,

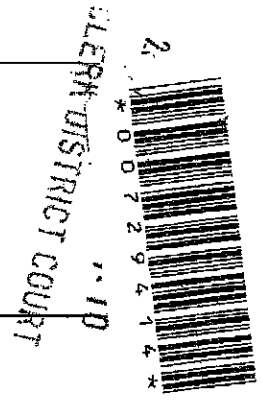
v.

FINANCIAL MANAGEMENT SYSTEMS,

Defendant.

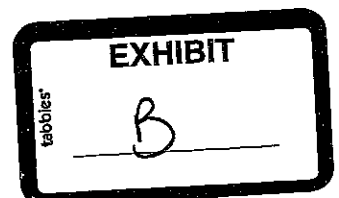
NO. 0173445

PETITION AT LAW



COMES NOW the plaintiff and sets forth his claims for relief and states:

1. Plaintiff is a resident of Des Moines, Polk County, Iowa.
2. Defendant is a debt collection agency located in Schaumburg, Illinois. All acts and omissions described in this Petition were perpetrated by Defendant's employees, agents, or representatives acting within the scope of their employment, agency, or representation.
3. This action is brought pursuant to the Fair Debt Collection Practices Act's civil enforcement provisions, 15 U.S.C. § 1692k, to remedy Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, during Defendant's attempts to collect Plaintiff's student loan debt.
4. The court has jurisdiction over this matter pursuant to 15 U.S.C. § 1692k(d). Service will be effected in accordance with Iowa Code § 617.3, which makes Polk County a proper county of venue because it is Plaintiff's county of residence.
5. Plaintiff is a "consumer" within the definition of 15 U.S.C. § 1692a(3).
6. Plaintiff's student loan obligations constitute a "debt" within the definition of 15 U.S.C. § 1692a(5).
7. Defendant is a "debt collector" within the definition of 15 U.S.C. § 1692a(6).

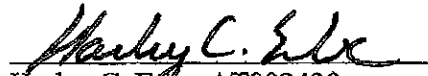


8. Defendant's debt collection efforts against Plaintiff have violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, in the following particulars: (a) abruptly terminating telephone calls with Plaintiff, yelling at Plaintiff during telephone calls, repeatedly telephoning Plaintiff, and failing to provide meaningful identity to Plaintiff during telephone calls in violation of 15 U.S.C. § 1692d, 15 U.S.C. § 1692d(5), and 15 U.S.C. § 1692d(6); (b) repeatedly contacting third parties without Plaintiff's consent and for no legitimate reason in an effort to harass, oppress, or abuse Plaintiff in violation of 15 U.S.C. § 1692c(b), 15 U.S.C. § 1692d, and 15 U.S.C. § 1692d(5); (c) repeatedly contacting third parties without those persons' consent and disclosing the fact of Plaintiff's debt to third parties in violation of 15 U.S.C. § 1692b, 15 U.S.C. § 1692b(2), and 15 U.S.C. § 1692b(3); and (d) providing false or misleading reasons to third parties regarding the purpose of Defendant's contacts in violation of 15 U.S.C. § 1692e and 15 U.S.C. § 1692e(10).

9. Plaintiff has suffered actual damages as a proximate result of Defendant's aforesaid actions and omissions.

10. Plaintiff seeks both actual damages pursuant to 15 U.S.C. § 1692k(a)(1) and additional statutory damages as the court may allow pursuant to 15 U.S.C. § 1692k(a)(2)(A). Plaintiff further requests an award of attorney fees pursuant to 15 U.S.C. § 1692k(a)(3).

WHEREFORE, Plaintiff respectfully requests that the court enter judgment for plaintiff against Defendant and award Plaintiff the damages sought under 15 U.S.C. § 1692k, together with the costs of this action and interest thereon as provided by law.



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